



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Second Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7496] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7496] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)
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16 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
 Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
ARBOGAST, SUZANNE L	1005 W BUFFINGLON ST UPLAND CA 91784	10725-02130	459,589.58	229,794.79
AUDREY M WHIGHTSIL REVOCABLE LIVING TRUST	ANDREY M WHIGHTSIL TRUSTEE 12450 E 38 TH PLACE YUMA AZ 85367	10725-01974	131,502.38	65,751.19
BARZAN FAMILY TRUST DTD 5/23/90	JOHN C & ROSEMARIE A BARZAN TTEES 1409 MORADA DR MODESTO CA 95350-0655	10725-02228	253,643.04	126,821.52
BARZAN, RICHARD D & LELIA J	7231 LANGWORTH RD OAKDALE CA 95361	10725-02227	1,325,629.78	662,814.89
BENZ FAMILY TRUST DTD 7/1/95	BERNARD D & MARGARET W BENZ TTEES 1265 OLD FOOTHILL RD GARDNERVILLE NV 89460	10725-02167	81,366.44	40,683.22
BRANT TRUST DATED 12/22/92, RAYMOND F & ANN L	C/O RAYMOND F BRANT TRUSTEE PO BOX 728 DIABLO CA 94528	10725-02065	103,124.98	51,562.49
BRINES REVOC FAM TRUST DTD 11/5/94, MICHAEL & CIND	MICHAEL R & CINDY G BRINES TTEES 4935 EL SERENO AVE LA CRESCENTA CA 91214-3018	10725-02431	771,119.58	385,559.79
BRINES REVOCABLE FAMILY TRUST, MICHAEL R & CINDY G	U/A DTD 11/5/94, C/O MICHAEL R & CINDY G BRINES TT 4935 EL SERENO LA CRESCENTA CA 91214-3018	10725-01918	771,119.58	385,559.79
BURGARELLO INC PROFIT SHARING PLAN	RONALD A JOHNSON TTEE 50 SNIDER WAY SPARKS NV 89431-6308	10725-02263	405,600.00	202,800.00
CALLAHAN & MARADON JT TENENTS, VALERIE & CHARLES	12585 CREEK CREST DR RENO NV 89511	10725-02061	589,738.84	294,869.42